

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Kevin L. Iriart,)	
)	
Plaintiff,)	
)	Civil Action No. 8:12-2673-SB-JDA
v.)	
)	
Commissioner of Social Security)	<u>ORDER</u>
Administration,)	
)	
Defendant.)	
)	

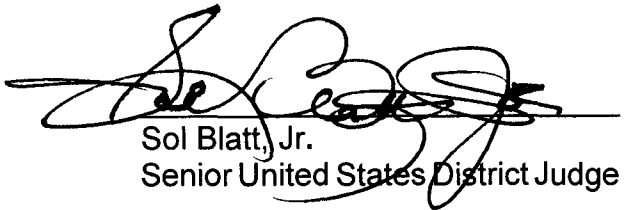
This matter is before the Court upon the report and recommendation ("R&R") of United States Magistrate Judge Jacquelyn D. Austin, wherein she recommends that the Court deny the Plaintiff's motion to proceed *in forma pauperis* under 28 U.S.C. § 1915. Attached to the R&R was a notice advising the Plaintiff of his right to file written objections to the R&R within fourteen days of receiving a copy. To date, no objections have been filed. Moreover, it appears from the docket that the Plaintiff has paid the required filing fee.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. Mathews v. Weber, 423 U.S. 261 (1976). The Court is charged with making a de novo determination only of those portions of the R&R to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must

'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.' ") (quoting Fed. R. Civ. P. 72 advisory committee's note).

Here, no objections have been filed. Therefore, the Court has reviewed the record, the applicable law, and the Magistrate Judge's recommendations for clear error. Finding none, **the Court hereby adopts the R&R (Entry 20)**. In addition, based on the Plaintiff's payment of the filing fee in this matter, **the Court finds the Plaintiff's motion to proceed *in forma pauperis* (Entry 4) moot at this time.**

AND IT IS SO ORDERED.



Sol Blatt, Jr.
Senior United States District Judge

January 31, 2013
Charleston, South Carolina

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